

REMARKS

Claims 1-4, 7-19, 22-29 and 32-43 were pending. Claims 3, 12, 15, and 40-43 have been cancelled. Claims 1, 7, 13, 16, 17, 19, 22, 25, 29, 32-37, and 39 have been amended. Accordingly, claims 1 – 2, 4, 7 – 11, 13 – 14, 16 – 19, 22 – 29 and 32 - 39 are pending.

Allowed claims

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended independent claim 1 to include the features of allowed claim 15 and all intervening claims, with a revision concerning the heartbeat. As can be seen in the amendment, the monitoring features remains in the claims, but the particular recitation that the monitoring comprises a heartbeat has been moved to claim 7. Applicant believes it is clear, and the examiner will agree, that this particular recitation (i.e., the heartbeat) is not required for allowability of the claim. Further, Applicant submits moving the heartbeat recitation to claim 7 does not in any way necessitate additional examination. Applicant has likewise amended independent claims 19 and 29 to reflect the features deemed allowable by the examiner. Accordingly, claims 19 and 29 generally represent apparatus and system claims corresponding to newly amended method claim 1. Applicant submits no new matter has been added. Consequently, Applicant submits that each of independent claims 1, 19, and 29 are in condition for allowance, along with their respective dependent claims.

35 U.S.C. § 112 Rejections

Claims 7, 8, 10, 22, and 32 stand rejected by the Examiner under 35 U.S.C. 112, first paragraph because the specification does not reasonably provide enablement for

using both a heartbeat and a status register. The Examiner asserts that use of both a heartbeat and a status register is in contradiction of page 25 of the specification, which indicates that one or the other method is to be used.

Applicant's specification recites that "monitoring may be done using a heartbeat mechanism, status register polling, or other similar mechanism." Applicant respectfully submits that the use of "or" does not necessarily imply that the alternatives are mutually exclusive. One skilled in the art would readily appreciate from the description that both may in fact be used together. For example, upon a failure to receive a reply to a heartbeat, a status register may be set to indicate failure. Detecting the failure may then be achieved through polling the status register. Further, as noted on page 26 of the description, other embodiments "including variations and combinations of the above described features" are contemplated as well. Nevertheless, in view of the current amendments, this rejection is rendered moot.


Applicant submits the application is now in condition for allowance. Should the examiner have any questions or still not intend to allow the present application, Applicant requests a telephone interview between the Examiner and the undersigned attorney in order to facilitate concluding this matter. The undersigned attorney may be reached at (512) 853-8866.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-58500/RDR.

Respectfully submitted,



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